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July 6, 2005

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Riverdale, MD 20737-1238

Sent Via E-Mail: regulations@aphis.usda.gov

Re: Docket No. 05-015-1

In the Matter of National Animal Identification System; Notice of Availability of a Draft Strategic Plan and Draft Program Standards

Dear Administrator:

Thank you for the opportunity to comment on the National Animal Identification System; Notice of Availability of a Draft Strategic Plan and Draft Program Standards.

The Ranchers Cattlemen Action Legal Fund - United Stockgrowers of America (R-CALF USA) is a non-profit association representing over 53,000 cattle producers, over 18,000 of whom are voluntary, dues-paying R-CALF USA members, and over 43,000 are members of R-CALF USA's 61 affiliated ranch and cattle associations. R-CALF USA represents U.S. cattle producers on issues concerning national and international trade and marketing and is dedicated to ensuring the continued profitability and viability of the U.S. cattle industry. R-CALF USA's membership consists primarily of cow-calf operators, cattle backgrounders, and independent feedlot owners. Various main street businesses are associate members of R-CALF USA.

Ranchers-Cattlemen's Action Legal Fund (R-CALF USA) respectfully submits the following comments for review by the USDA/APHIS.

1. The Draft Strategic Plan calls for making the entire system mandatory by January 2009. Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring, and response system to support Federal animal health programs? Please explain why or why not.

Existing programs driven by a competitive market are currently expanding on their own, and there is no indication that this expansion will not continue in the future. A cost/benefit analysis is in order before implementing a mandatory program that will be very expensive to the industry.

2. In the current Draft Strategic Plan, the NAIS would require that producers be responsible for having their animals identified before the animals move to a premises where they are to be commingled with other animals, such as a sale barn. At what point and how should compliance be ensured? For example, should market managers, fair managers, etc., be responsible for ensuring compliance with this requirement before animals are unloaded at their facility or event? Please give the reasons for your response.

Under the current, voluntary identification system, the producer (seller) ensures that the livestock are identified, because the producer (seller) expects to receive a premium from the marketplace if the identification can be verified. Also under the current voluntary system, any buyer can require product specifications that could include animal ID and the buyer would be responsible for verifying compliance, again based on the expectation that the market would provide a premium for such efforts. Likewise, fair boards can require animal ID under the current system and would be responsible for verifying compliance with their own rules.

On the other hand, under a mandatory system, no market premium is expected and producers (sellers) would be burdened with an additional cost. It would appear that existing inspectors in brand states and whoever is currently monitoring health compliance at these events in non-brand states could be used to verify compliance. It is important to note that a new bureaucracy to address compliance should not be created.

Also under a mandatory system, the provisions of the law would likely dictate that the sale or display of an animal is conditioned on the proper identification of the animal. Therefore, persons overseeing livestock sales or sponsoring displays (fair) would be responsible for ensuring compliance. Obviously, if the system were mandatory, animals without identification would lose their value and it would not benefit either buyer or seller not to have the animal properly identified. Importantly, if the government pursues a mandatory program, it must make clear that animals branded in accordance with state brand laws are deemed compliant with whatever new requirements are contemplated. In other words, producers with branded cattle in brand states are deemed to have met their burden and any buyer of such animals would incur the costs of adding any additional identification that the seller may need in the course of the seller's business.

3. In regard to cattle, individual identification would be achieved with an AIN tag that would be attached to the animal's left ear. It is acknowledged that some producers do not have the facilities to tag their animals; thus, the Draft Program Standards document contains an option for tagging sites, which are authorized premises where owners or persons responsible for cattle could have the cattle sent to have AIN tags applied. Do you think this is a viable option, *i.e.*, can markets or other locations successfully provide this service to producers who are unable to tag their cattle at their farms?

Yes, markets should be able to offer this service on a fee basis. It will save those producers the cost of building facilities and provide the sale barns with an increase in revenues for facilities that are already in place.

4. The current Draft Strategic Plan does not specify how compliance with identification and movement reporting requirements will be achieved when the sale is direct between a buyer and seller (or through their agents). In what manner should compliance with these requirements be achieved? Who should be responsible for meeting these requirements? How can these types of transactions be inputted into the NAIS to obtain the necessary information in the least costly, most efficient manner?

Compliance should be achieved at the point of transaction using existing paperwork requirements such as bills of sales, health certificates, or entry forms. Buyer should ensure the paperwork is properly completed. The buyer will indirectly build the cost of compliance into the purchase price so they should be responsible for compliance, as well as for reporting the information to the proper government official charged with conveying such information to the data base.

5. USDA suggests that animals should be identified anytime prior to entering commerce or being commingled with animals from other premises. Is this recommendation adequate to achieve timely traceback capabilities to support animal health programs or should a timeframe (age limit) for identifying the animals be considered? Please give the reasons for your response.

Until an animal moves into commerce there should be no reason to have a tag in the ear. The likelihood of losing ear tags increases with time so if the cow never left home, what is the need to have a tag in its ear? Furthermore it would be good to see if the group lot works. The Northwest Pilot project addresses a large cattle herd going directly from the pastures of Washington to group pens to feedlots in Nebraska.

Over time, producers may purchase replacement heifers or bulls that, upon entering the producer's premise, will be a form of commingling (i.e., the producer's herd will be untagged but bringing tagged animals to the premise will result in the commingling of the untagged (original herd) and the tagged (purchased replacements). Therefore, the requirement should be limited only to the point of first sale. Alternatively, the commingling requirement could be kept if it was qualified with "commingled with animals from other premises other than the premise of the premise owner."

6. Are the timelines for implementing the NAIS, as discussed in the Draft Strategic Plan, realistic, too aggressive (i.e., allow too little time), or not aggressive enough (i.e., do not ensure that the NAIS will be implemented in a timely manner)? Please give the reasons for your response.

The NAIS draft timeline is too aggressive and unrealistic. It is unrealistic because USDA has not noted what all is required within its ID plan. There are too many gray areas. USDA has not yet provided even a rudimentary cost/benefit analysis for the industry's consideration, for

example. Most pilot projects are poorly defined. The timeline is too aggressive as the ID system has not proven capable of keeping up with the speed of commerce.

Furthermore by the 2009 date, the successes or failures of the ongoing pilot projects may not be known. The pilot projects underway are only now getting started. They are far from the lengthy process of evaluating their systems and structures. It is important to test multiple applications during the pilot phase. Just in the last year, new innovations have come to the market. All possible applications need to be evaluated and considered for implementation into the NAIS Plan. USDA will not likely have gathered and properly evaluated the information from ongoing pilot projects before the planned animal ID implementation date is reached.

It is also problematic to set into place a timeline when so many things are left open. Nothing has been done to properly address the confidentiality issue. This system cannot move forward with loopholes like this still in place.

7. Should requirements for all species be implemented within the same timelines, or should some flexibility be allowed? Please give the reasons for your response.

If it is necessary for one species it should be for all species - otherwise it gives a competitive advantage to one species. Leaving the burden only on the beef industry, for example, is unfair and unacceptable. One specific timeline for all species is the only equitable way to achieve this.

8. What are the most cost-effective and efficient ways for submitting information to the database (entered via the Internet, file transfer from a herd management computer system, mail, phone, third-party submission of data)? Does the type of entity (*e.g.*, producer, market, slaughterhouse), the size of the entity, or other factors make some methods for information submission more or less practical, costly, or efficient? Please provide supporting information if possible.

No set way should be the standard. It needs to be flexible. All methods have both pros and cons.

Email- Email to the state's animal health department would be the fastest- security might be a problem and not all producers have email or computers

Phone- Most buyers and event sponsors have access to a phone and could either call in the information to the state's animal health department or a computerized answering service could be used to accept after-hour calls.

Mail- This service is too slow to meet the program's objective of a 48-hour trace back.

Third party- No additional bureaucracy is needed. The state animal health departments should be responsible for receiving and compiling the information for the data base.

Therefore, there should be multiple means of communicating the information to the appropriate animal health official.

9. We are aware that many producers are concerned about the confidentiality of the information collected in the NAIS. Given the information identified in the draft documents, what specific information do you believe should be protected from disclosure and why?

All information should be considered confidential. Only officials of the state's animal health departments and APHIS, the central data-base manager, should have access to the information and only in the case of a reported disease outbreak. Any and all databases must meet certain minimal security standards. This data base should be designed with multiple stops gaps in place to ensure integrity in the system.

Specific information protected from disclosure: All information should be protected from disclosure and should only be accessible to state and federal animal health officials and only in the case of a reported disease outbreak. This means even the animal's individual number and the premise where the animal is located or the premises where the animal has been. We understand this is how the proposed system is supposed to operate; however, we are adamant that no other government officials, agencies, or various associations, groups, etc, should ever have access this information.

10. The NAIS as planned would require States, producers, and other participating entities to provide information and develop and maintain records. How could we best minimize the burden associated with these requirements? For example, should both the seller and the buyer of a specific group of animals report the movement of the animals, or is reporting by one party adequate?

Having both the buyer and seller submit information doubles the amount of paperwork for the state agency. One party is adequate—the receiving premise or buyer. Some type of receipt or notification of data being inputted by the buyer needs to be addressed. It should be a feature of the data handling system that enables the seller to receive a notice that (X) number of livestock has been transferred out of that person's control.

11. A key issue in the development of the NAIS concerns the management of animal tracking information. Animal health officials must have immediate, reliable, and uninterrupted access to essential NAIS information for routine surveillance activities and in the event of a disease outbreak. APHIS determined that this goal could best be achieved by having the data repositories managed by APHIS. The Draft Program Standards document provides for two main NAIS information repositories: The National Premises Information Repository and the National Animal Records Repository. The National Premises Information Repository would maintain data on each production and animal holding location (contact name, address, phone number, type of operation, etc.). The National Animal Records Repository would maintain animal identification and movement data. Recently, however, an industry-led initiative suggested a privately managed database as an alternative for the management of data on animal tracking in the NAIS. The industry group stated that a private database would ensure that the needs of both government and industry would be fulfilled, and that the flow of information throughout the NAIS would

be maintained in a secure and confidential manner. APHIS is requesting comment from stakeholders regarding the utility of a privately managed database for holding animal location and movement information. Among the issues you may wish to comment on are the following:

Protecting U.S. livestock from outbreaks of foreign animal disease and by extension, protecting the public from exposure to a foreign animal disease outbreak, is a national security issue. As such, only the official department(s) charged with the responsibility of ensuring the health and safety of U.S. livestock and the safety of American people should administer a program designed to achieve this public objective. Importantly, only such official departments could be held accountable to the public for not administering the program properly. The program should be administered by APHIS in coordination with state animal health departments. If the success of the program is to be measured by whether or not animals in the vicinity of a disease outbreak can be traced within 48 hours, then the agency needing the information to achieve such an objective should have both the authority and responsibility for the program's administration and operation.

12. How should a private database system be funded? Please give the reasons for your response.

There should be no consideration given to the privatization of the public service program proposed by USDA. If it is in the national interest that livestock be individually identified, then the program to accomplish this objective should remain in the public domain and funded by public funds.

13. Should the NAIS allow for multiple privately managed databases? Please explain why or why not.

No there should be no privately managed data basis if the system is mandatory. The data based should be exclusively managed by the federal government in coordination and cooperation with state animal health departments, including state brand boards.

14. Should a public (government) system be made available as well as a privately managed system so that producers would have a choice? Please give the reasons for your response.

If the ability to trace individual animals that had been in the vicinity of a disease outbreak is of national importance, then the program should be exclusively operated by government officials accountable to the American people. There should be no duplication of this national responsibility by private industry.

15. Should a privately managed system include all species? Please give the reasons for your response.

APHIS should take care of all species. It would be inappropriate to allow private industry groups or associations to have access to data that is only made available to accomplish the government's need to trace back individual animals exposed to a disease outbreak. The

government should protect this information from private firms that would benefit financially by using this information for reasons other than to conduct tracebacks of disease outbreaks.

16. Would either system work equally well at the State level? Please explain why or why not.

No, the potential abuses by private firms or associations, whether at the national or state level are too great to allow a profit motivated firm or association to administer a program designed to ensure the health and safety of U.S. livestock and human health. There should not be any consideration given to allowing state-wide firms or associations to administer the proposed program unless such entities are contracted to conduct other animal health related services for the state's animal health department. There has been a long, successful tradition for this type of relationship and USDA should encourage these cooperative efforts.

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard B.", with a stylized flourish extending from the end.

Richard Bowman, DVM
Animal ID Committee Chair